

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/718,155
Confirmation No.: 9003
First-Named Inventor: Christopher J. Moran
Filing Date: November 20, 2003
Group Art Unit: 3734
Examiner: Vy Q. Bui
Attorney Docket No.: 003433-000483
Title: EMBOLIZATION DEVICE

RESPONSE TO INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Communication dated April 29, 2010, please enter the following. Additionally, please provide any extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Remarks

In response to the Office Communication mailed April 29, 2010, Applicants hereby summarize the substance of the telephone examiner interview held on April 28, 2010, and request that these remarks be entered into the record.

The undersigned attorney would again like to thank examiner Bui for the courtesy of the April 28th telephone interview. The interview included a discussion of the Ritchart reference and the pending claims. While an agreement on allowable subject matter was not reached, the undersigned attorney believes that progress was made as a result of his explanation that Ritchart specifically teaches and intends for a temporary fluid backfill, in combination with the undersigned attorney's proposal to amend the claims to further distinguish over Ritchart by clarifying that the embolization device, upon being delivered to the vessel, will maintain remodelable submucosal tissue in the vessel for a period of time sufficient for the remodelable submucosal tissue to promote cellular invasion and ingrowth into the embolization device and to become remodeled with tissue of the patient so that an all-natural, remodeled tissue blockage will be generated in the vessel and remain in the vessel fully occluding the vessel. Claim amendments of this type were filed on April 28, 2010.

As explained during the April 28th telephone interview, Ritchart understood and taught that the collagen fluid in Figure 10 would become washed away by blood shortly after it is placed in the vessel. Thus, it is not by chance that Ritchart's collagen fluid provides only a temporary backfill. Ritchart fully expected and wanted this result. When a drug is embedded in the collagen fluid, Ritchart desired that the collagen fluid erode and get washed away to slowly release the embedded drug into the bloodstream.

In the BACKGROUND OF THE INVENTION, Ritchart explains that conventional collagen fluids (e.g., the collagen bolus in Figure 10) provide only a temporary vessel occlusion (column 3, lines 47-52), and that such fluids typically provide good short-term vaso-occlusion but ultimately will be carried away (by blood), resulting in recanalization of the vessel (column 1, line 42).

Ritchart clearly does not anticipate the claimed subject matter. Moreover, because Ritchart insisted upon a temporary fluid backfill, he clearly would have taught away from any combination (e.g., with Badylak) that might now be used to try to reject the claims under 103.

Respectfully submitted,

By



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